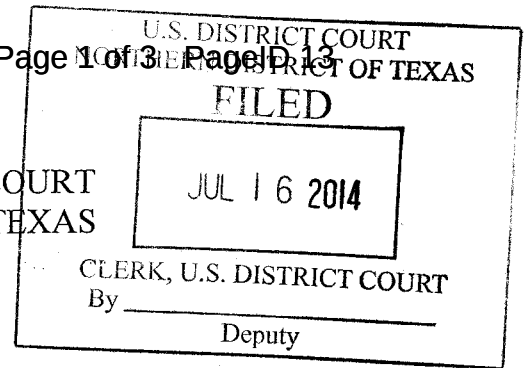


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA

v.

No. 4:14-CR-144-Y

KENNETH M. JOHNSON (01)
a.k.a. Kenneth Marques Johnson

FACTUAL RÉSUMÉ

I. Plea:

The defendant is pleading guilty to Count One of the Information, charging Possessing Contraband in Prison, in violation of 18 U.S.C. § 1791(a)(2) and (b)(3).

II. Penalties:

The penalties the Court can impose include:

- a. imprisonment for a period not to exceed five (5) years;
- b. a fine not to exceed \$250,000;
- c. a term of supervised release not to exceed three (3) years, which may be mandatory under the law and will follow any term of imprisonment. If the defendant violates the conditions of supervised release, the Court may revoke such release term and require that the defendant serve any or all of such term as an additional period of confinement. The effect of a revocation of a term of supervised release is to make the overall period of incarceration longer;
- d. a mandatory special assessment of \$100;
- e. costs of incarceration and supervision.

III. Elements of the Offense:

In order to establish the offense alleged in Count One of the Information, the government must prove the following elements beyond a reasonable doubt:

First: That the defendant was an inmate of a Federal prison or correctional facility at the time stated in Count One of the Information;

Second: That the defendant knowingly possessed the object described in Count One of the Information;

Third: That the object was a prohibited object.

IV. Stipulation of Facts:

Between at least on or around March 10, 2013 and April 8, 2013, Kenneth M. Johnson, the defendant, was incarcerated at the Federal Bureau of Prisons, Federal Correctional Institution (FCI), Fort Worth, which is located in Fort Worth, Texas.

On April 5, 2013, L.H. visited the defendant at FCI Fort Worth and provided the defendant with marijuana which was contained in what appeared to be a small balloon. L.H. did so by placing the balloon in a bag of open potato chips which the defendant was holding. The defendant thereafter swallowed the balloon. These events were observed by prison staff, which was monitoring the visitation area occupied by the defendant and L.H. Subsequently, the defendant passed nine (9) balloons which were determined to contain an approximate total of 6.7 grams of marijuana. The defendant admitted to prison staff and investigators that the balloons were in fact filled with marijuana.

Marijuana is a prohibited object as defined by 18 U.S.C. § 1791(d)(1)(B).

AGREED AND STIPULATED on this 2nd day of July 2014.

Kenneth Johnson

KENNETH M. JOHNSON

Defendant

Date signed: July 2, 2014

William Hermesmeier

WILLIAM HERMESMEYER

Attorney for Defendant

Date signed: July 2, 2014